

Message Text

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PAGE 01 LISBON 01382 131246Z

43

ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 CIAE-00 DODE-00 PM-03 H-02

INR-07 L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 MMS-01 AID-05 HEW-02 SAM-01 IO-10 SIL-01

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TAGS: PGOV, PFOR, PO

SUBJECT: CONGRESSIONAL HEARING ON PORTUGAL

REF: (A) STATE 53496; (B) STATE 12320

1. IN VIEW OF DEPUTY ASSISTANT SECRETARY LAINGEN'S TESTIMONY SCHEDULED FOR MARCH 14, FOLLOWING IS SUMMARY OF OUR A-37 (SUBJECT: HUMAN RIGHTS IN PORTUGAL). AIRGRAM WAS DRAFTED BEFORE EVENTS OF MARCH 11, SO CERTAIN STATEMENTS INEVITABLY DATED. NEVERTHELESS BELIEVE IT WILL BE OF BACKGROUND USE DESCRIBING SITUATION EXISTING BEFORE RPT BEFORE ABORTIVE MARCH 11 COUP.

2. BACKGROUND: THE OUSTER OF THE CAETANO REGIME ON APRIL 25, 1974 BROUGHT AN END TO THE OLDEST SURVIVING DICTATORSHIP IN WESTERN EUROPE. IT BROUGHT HOPES FOR A NEW AGE OF FREEDOM, FOR THE ESTABLISHMENT OF A GOVERNMENTAL STRUCTURE BASED ON DEMOCRATIC PRINCIPLES AND RESPECT FOR THE RIGHTS OF THE INDIVIDUAL. ANY DISCUSSION OF HUMAN RIGHTS IN PORTUGAL ACCORDINGLY STARTS OFF FROM A DUAL BASIS: THE SYSTEMATIC DENIAL OF SUCH RIGHTS BY THE REGIME DEPOSED LAST YEAR, AND THE NEW REGIME'S PROMISE TO DO AWAY WITH PAST EVILS.

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PAGE 02 LISBON 01382 131246Z

CLEARLY NOT ALL OF THESE EVILS HAVE BEEN DONE AWAY WITH.

EQUALLY CLEAR, HOWEVER, IS THE FACT THAT PROGRESS HAS BEEN MADE AND THAT PORTUGUESE LEADERS ARE CONSCIOUS THAT ROOM REMAINS FOR FURTHER IMPROVEMENT.

3. FREEDOM OF RELIGION: ON BALANCE OFFICIAL CHURCH-STATE RELATIONS ARE GOOD AND THERE ARE NO RESTRICTIONS ON RELIGIOUS FREEDOM. DECOLONIZATION HAS ELIMINATED THE SOURCE OF GREATEST TENSION IN THIS RELATIONSHIP. PORTUGAL HAS JUST RENEGOTIATED ITS 1940 CONCORDAT WITH THE VATICAN TO PERMIT DIVORCE FOR COUPLES MARRIED WITHIN THE ROMAN CATHOLIC CHURCH. THE PROVISIONAL GOVERNMENT HAS ALSO FORMALLY LIFTED ITS BAN ON PROSELYTIZING IN PORTUGAL BY NON-CATHOLIC RELIGIOUS GROUPS.

4. FREEDOM OF SPEECH: SPOKEN CRITICISM OF THE GOVERNMENT SUFFERS NO FORMAL RESTRICTIONS, ALTHOUGH CRITICISM FROM THE RIGHT IS SELDOM HEARD AND DISCRETION IS THE ORDER OF THE DAY. CRITICISM FROM THE EXTREME LEFT IS WIDESPREAD AND UNPENALIZED. THEATER AND CINEMA ARE NOT SUBJECT TO CENSORSHIP. PORNOGRAPHY IS NOT WELCOME, BUT NEITHER IS IT BANNED BY THE GOVERNMENT.

5. FREEDOM OF PRESS: THERE IS NO FORMAL PRESS CENSORSHIP. TWO FORMS OF UNOFFICIAL CONTROL EXIST:

(A) JOURNALISTS THEMSELVES PLUS CERTAIN UNIONS IN THE PRESS FIELD;

(B) GOVERNMENT FINES AND SUSPENSION ORDERS EMANATING FROM AN "AD HOC PRESS COMMISSION." ON FEBRUARY 26 GOP PROMULGATED A NEW PRESS LAW DEFINING RESPONSIBILITIES. THE DEGREE TO WHICH FREEDOM OF THE PRESS EXPANDS IN THE FUTURE WILL DEPEND ON INTERPRETATION OF THIS LAW. AT PRESENT THE PRESS IS DOMINATED BY LEFT-WING ELEMENTS. CRITICISM OF THE MILITARY IS RARE.

6. FREEDOM OF ASSEMBLY: FREEDOM OF ASSEMBLY IS GUARANTEED BY LAW. THE RIGHT TO HOLD PUBLIC MEETINGS, HOWEVER, HAS BEEN SEVERELY CIRCUMSCRIBED IN SEVERAL INSTANCES. POLITICAL RALLIES OF CENTER AND CENTER RIGHT PARTIES HAVE BEEN PHYSICALLY ASSAULTED BY AN AMALGRAM OF LEFTIST EXTREMIST GROUPS. ON MARCH 2/3 FATALITIES OCCURRED DURING A RIOT AT A POLITICAL RALLY. THE GOP IS AWARE OF THIS PROBLEM BUT THE LIMITED OFFICIAL USE

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PAGE 03 LISBON 01382 131246Z

GOVERNMENT'S CAPABILITY TO FULFILL ITS OBLIGATIONS AND GUARANTEE PUBLIC ORDER IS OPEN TO QUESTION.

7. JUDICIAL SYSTEM: TWO PARALLEL SYSTEMS OF JUSTICE EXIST IN PORTUGAL. THERE IS A CIVIL CODE WITH CLEARLY DEFINED OFFENSES AND PENALTIES. THERE IS ALSO A SYSTEM OF MILITARY JUSTICE WHICH HAS ASSUMED RESPONSIBILITY FOR DEFINING AND PROSECUTING ACTS CURRENTLY HELD TO BE CRIMINAL.

(A) MILITARY DETAINEES: MOST PERSONS DETAINED UNDER MILITARY AUTHORITY ARE MEMBERS OF THE FORMER SECRET POLICE (PIDE/DGS) AND THE "PORTUGUESE LEGION." ABOUT 1,800 SUCH PERSONS WERE ARRESTED IN PORTUGAL AND ITS COLONIES IMMEDIATELY AFTER APRIL 25, 1974. GIVEN THEIR PARAMILITARY STATUS AND THE ABSENCE OF HABEAS CORPUS IN PORTUGUESE MILITARY JUSTICE, THESE PERSONS COULD BE DETAINED INDEFINITELY WITHOUT CHARGES. HOWEVER, THE GOP HAS INDICATED ITS AWARENESS OF THE PROBLEM AND APPEARS TO BE DISPOSED TO HANDLE IT EXPEDITIOUSLY.

(B) CIVILIAN DETAINEES: HARD INFORMATION IS NOT AVAILABLE IN THIS AREA. AS OF DECEMBER 1974 WE ESTIMATE APPROXIMATELY 1,000 CIVILIANS WERE DETAINED, MOST OF WHOM HAVE PROBABLY BEEN RELEASED SINCE THAT TIME. WHAT CAN BE STATED WITH ASSURANCE IS THAT SIGNIFICANT NUMBERS OF CIVILIANS HAVE BEEN ARRESTED SINCE THE DICTATORSHIP WAS OVERTHROWN; THEY HAVE BEEN HELD FOR PERIODS OF TIME UP TO SEVERAL WEEKS WITHOUT CHARGE; THEY HAVE EVENTUALLY BEEN RELEASED WITHOUT EXPLANATION AS TO WHY THEY WERE ARRESTED IN THE FIRST PLACE.

(C) TREATMENT OF PRISONERS: WE ARE AWARE OF NO CASES OF TORTURE, MISTREATMENT OR ISOLATION OF PRISONERS.

8. POLITICAL RIGHTS: CERTAIN GROUPS CONNECTED WITH THE FORMER REGIME HAVE BEEN DEPRIVED OF CERTAIN POLITICAL RIGHTS, E.G., THE RIGHT TO VOTE OR HOLD ELECTIVE OFFICE.

9. POUCHING AIRGRAM TO DEPT TODAY.
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